



THE CITY OF NEW YORK  
**LAW DEPARTMENT**

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June 19, 2012

**VIA ECF**

Honorable Kiyo A. Matsumoto  
United States District Judge  
United States District Court  
Eastern District of New York  
225 Cadman Plaza East, Room N406  
Brooklyn, New York 11201

Re: Crown Heights Shomrim, et al. v. The City of New York, et al.  
11 CV 0329 (KAM) (JMA)

Your Honor:

I am an Assistant Corporation Counsel in the Special Federal Litigation Division of the New York City Law Department and am assigned to represent defendants The City of New York, Inspector Peter Simonetti (s/h/a "Peter Simminetti"), Sergeant Robert Troise (s/h/a "Bobby Troise"), Police Officer John Hammond (s/h/a "John Hammad"), Police Officer Leonard Wright (s/h/a "Lenny White"), Detective Brian Duffy, Sergeant Wayne Mangan, Sergeant Timothy Kelch, and Lieutenant Seamus McHugh (hereinafter referred to collectively as "City Defendants") in the above-referenced matter. In accordance with this Court's Order dated June 12, 2012, I write on behalf of City Defendants and co-defendants Crown Heights Shmira, Inc., Leib Skoblo, Elie Poltorak and Levi Huebner, to respectfully submit this joint status letter regarding anticipated motion practice. Plaintiffs' counsel, Tedd Blecher, Esq., and I have exchanged voicemail messages but we have not had an opportunity to speak to each other prior to the submission of this letter.

**City Defendants' Position**

City Defendants respectfully request a one-week extension of time to make their determination regarding how to proceed in this matter. Due to both my schedule and my supervisor's schedule, we have not had an opportunity to meaningfully address the issues discussed during the June 12 telephone status conference with each other or our clients. Therefore, in an effort not to waste the Court's time, City Defendants respectfully request a one-week extension of time until June 26, 2012, to allow City Defendants the opportunity to make an informed decision as to whether to move pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure or continue with discovery at this juncture.

**Defendants Crown Heights Shmira, Inc. and Leib Skoblo's Position**

Defendants Crown Heights Shmira, Inc. and Leib Skoblo will be proceeding with their motion pursuant to FRCP 12(c)/ 56 and request six weeks to file same. We would allow whatever time necessary for plaintiffs to file opposition, if defendants are given the same amount of time to put in a reply. We await the Court's approval.

**Defendants Elie Poltorak and Levi Heubner's Position**

Defendants Levi Huebner and Elie Poltorak do not wish to make a motion at this time, and wish to proceed to discovery forthwith.

Thank you for your consideration herein.

Respectfully submitted,

/s/

Erica M. Haber  
Assistant Corporation Counsel  
Special Federal Litigation Division

cc: Tedd B. Blecher, Esq.,  
*Attorney for Plaintiffs*  
(via ECF)

Mark Illish, Esq. and Boris Kogan, Esq.  
*Attorneys for defendants Crown Heights Shmira, Inc. and Lieb Skoblo*  
(via ECF)

Elie C. Poltorak, Esq. and Levi Huebner, Esq.  
*Attorneys for defendants Paul Huebner and Elie Poltorak*  
(via ECF)